United Nations A/61/L.33

General Assembly

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Sixty-first session
Agenda item 14
Question of Palestine

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Malta, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Zimbabwe and Palestine: draft resolution

Special information programme on the question of Palestine of the Department of Public Information of the Secretariat

The General Assembly,

Having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,[1]

Taking note in particular of the information contained in chapter VI of that report,

Recalling its resolution 60/38 of 1 December 2005,

Convinced that the worldwide dissemination of accurate and comprehensive information and the role of civil society organizations and institutions remain of vital importance in heightening awareness of and support for the inalienable rights of the Palestinian people,

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, as well as the existing agreements between the two sides and the need for full compliance with those agreements,

Recalling also the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[2]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[3]

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1 *Official Records of the General Assembly, Sixty-first Session, Supplement No. 35* (A/61/35).

2 S/2003/529, annex.

3 See A/ES-10/273 and Corr.1.

06-62861 (E) 271106

Reaffirming that the United Nations has a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy,

1. *Notes with appreciation* the action taken by the Department of Public Information of the Secretariat in compliance with resolution 60/38;

2. *Considers* that the special information programme on the question of Palestine of the Department is very useful in raising the awareness of the international community concerning the question of Palestine and the situation in the Middle East and that the programme is contributing effectively to an atmosphere conducive to dialogue and supportive of the peace process;

3. *Requests* the Department, in full cooperation and coordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue, with the necessary flexibility as may be required by developments affecting the question of Palestine, its special information programme for the biennium 2006-2007, in particular:

(a) To disseminate information on all the activities of the United Nations system relating to the question of Palestine, including reports on the work carried out by the relevant United Nations organizations;

(b) To continue to issue and update publications on the various aspects of the question of Palestine in all fields, including materials concerning the recent developments in that regard, in particular the efforts for peace;

(c) To expand its collection of audio-visual material on the question of Palestine and to continue the production and preservation of such material and the updating of the exhibit in the Secretariat;

(d) To organize and promote fact-finding news missions for journalists to the Occupied Palestinian Territory, including East Jerusalem;

(e) To organize international, regional and national seminars or encounters for journalists, aiming in particular at sensitizing public opinion to the question of Palestine;

(f) To continue to provide assistance to the Palestinian people in the field of media development, in particular to strengthen the annual training programme for Palestinian broadcasters and journalists.

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Sixty-first session
Agenda item 14
Question of Palestine

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen, Zimbabwe and Palestine: draft resolution

Peaceful settlement of the question of Palestine

The General Assembly,

Recalling its relevant resolutions, including those adopted by its tenth emergency special session,

Recalling also its resolution 58/292 of 6 May 2004,

Recalling further relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004,

Welcoming the affirmation by the Security Council of the vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders,

Noting with concern that it has been fifty-nine years since the adoption of resolution 181 (II) of 29 November 1947 and thirty-nine years since the occupation of Palestinian territory, including East Jerusalem, in 1967,

Having considered the report of the Secretary-General submitted pursuant to the request made in its resolution 60/39 of 1 December 2005,[1]

Reaffirming the permanent responsibility of the United Nations with regard to the question of Palestine until the question is resolved in all its aspects in accordance with international law,

[1] A/61/355-S/2006/748.

06-62867 (E) 271106

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[2] and recalling also its resolution ES-10/15 of 20 July 2004,

Convinced that achieving a just, final and peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive and lasting peace and stability in the Middle East,

Aware that the principle of equal rights and self-determination of peoples is among the purposes and principles enshrined in the Charter of the United Nations,

Affirming the principle of the inadmissibility of the acquisition of territory by war,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the illegality of the Israeli settlements in the Palestinian territory occupied since 1967,

Reaffirming also the illegality of Israeli actions aimed at changing the status of Jerusalem, including measures such as the so-called E1 plan and all other unilateral measures aimed at altering the status of the city and the territory as a whole,

Reaffirming further that the construction by Israel, the occupying Power, of a wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law,

Deeply concerned about the continued imposition by Israel, the occupying Power, of closures and severe restrictions on the movement of persons and goods throughout the Occupied Palestinian Territory, including East Jerusalem, including, inter alia, via the establishment of hundreds of Israeli checkpoints and the transformation of several of these checkpoints into structures akin to permanent border crossings, which are destroying the territorial contiguity of the Territory, causing serious humanitarian hardship and severely undermining efforts to rehabilitate and develop the Palestinian economy,

Affirming once again the right of all States in the region to live in peace within secure and internationally recognized borders,

Recalling the mutual recognition between the Government of the State of Israel and the Palestine Liberation Organization, the representative of the Palestinian people,[3] and the agreements concluded between the two sides and the need for full compliance with those agreements,

Recalling also the endorsement by the Security Council, in resolution 1515 (2003), of the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[4] and stressing the urgent need for its implementation and compliance with its provisions,

Emphasizing the need for the Security Council to take a more active role, in accordance with its authority under the Charter and its responsibility for the maintenance of international peace and security, in the efforts to achieve a peaceful settlement of the question of Palestine,

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[2] See A/ES-10/273 and Corr.1.

[3] See A/48/486-S/26560, annex.

[4] S/2003/529, annex.

Welcoming the important contribution to the peace process of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, including in the framework of the activities of the Quartet,

Welcoming and strongly encouraging the convening of international donor meetings, as well as the establishment of international mechanisms to provide assistance to the Palestinian people, particularly during this critical period of humanitarian hardship and financial crisis being endured by the Palestinian people,

Recognizing the efforts being undertaken by the Palestinian Authority, with international support, to rebuild, reform and strengthen its damaged institutions, and emphasizing the need to preserve the institutions and infrastructure of the Palestinian Authority,

Expressing its concern over the tragic events that have occurred in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000, including the large number of deaths and injuries, mostly among Palestinian civilians, the widespread destruction of public and private Palestinian property and infrastructure, the internal displacement of civilians, and the steep deterioration of the socio-economic and humanitarian conditions of the Palestinian people,

Expressing its grave concern over the repeated military actions in the Occupied Palestinian Territory and the reoccupation of Palestinian population centres by the Israeli occupying forces, and emphasizing in this regard the need for the implementation of the Sharm el-Sheikh understandings,

Expressing its grave concern in particular over the large-scale military assaults carried out by Israel, the occupying Power, in recent months in the Gaza Strip, which have caused extensive loss of Palestinian civilian life, including among children,

Emphasizing the importance of the safety and well-being of all civilians in the whole Middle East region, and condemning all acts of violence and terror against civilians on both sides, including the suicide bombings, the extrajudicial executions and the excessive use of force,

Noting the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the importance of the dismantlement of the settlements therein as a step towards the implementation of the road map,

Stressing the urgent need for sustained and active international involvement, including by the Quartet, to support both parties in revitalizing the peace process towards the resumption and acceleration of direct negotiations between the parties for the achievement of a just and final peace settlement, in accordance with the road map,

Welcoming the initiatives and efforts undertaken by civil society in pursuit of a peaceful settlement of the question of Palestine,

Taking note of the findings by the International Court of Justice, in its advisory opinion, including on the urgent necessity for the United Nations as a whole to redouble its efforts to bring the Israeli-Palestinian conflict, which continues to pose

a threat to international peace and security, to a speedy conclusion, thereby establishing a just and lasting peace in the region,

1. *Reaffirms* the necessity of achieving a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects, and of intensifying all efforts towards that end;

2. *Also reaffirms* its full support for the Middle East peace process, which began in Madrid, and the existing agreements between the Israeli and Palestinian sides, stresses the necessity for the establishment of a comprehensive, just and lasting peace in the Middle East, and welcomes in this regard the ongoing efforts of the Quartet;

3. *Welcomes* the Arab Peace Initiative adopted by the Council of the League of Arab States at its fourteenth session, held in Beirut on 27 and 28 March 2002;[5]

4. *Encourages* the Security Council in particular, in line with its authority and responsibilities under the Charter of the United Nations, to become more active in the efforts towards achieving a peaceful settlement of the question of Palestine and to engage the Quartet in this regard;

5. *Calls upon* the parties themselves, with the support of the Quartet and other concerned parties, to exert all efforts necessary to halt the deterioration of the situation, to reverse all measures taken on the ground since 28 September 2000, and to immediately resume direct peace negotiations towards the conclusion of a final peaceful settlement;

6. *Calls upon* the international community, including the Quartet, to take immediate steps, including confidence-building measures between the parties, aimed at supporting a resumption of peace negotiations and the revival of the peace process;

7. *Stresses* the need for a speedy end to the reoccupation of Palestinian population centres and for the complete cessation of all acts of violence, including military attacks, destruction and acts of terror;

8. *Also stresses* the need for the immediate implementation of the Sharm el-Sheikh understandings;

9. *Calls upon* both parties to fulfil their obligations in respect of the implementation of the road map[4] by taking parallel and reciprocal steps in this regard, and stresses the importance and urgency of establishing a credible and effective third-party monitoring mechanism, including all members of the Quartet;

10. *Notes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;

11. *Emphasizes* the need for the parties, with the help of the international community, to speedily and fully resolve all remaining issues in the Gaza Strip, including a durable arrangement for the border crossings, the airport, the construction of the seaport, the removal of the rubble and the establishment of a permanent physical link between the Gaza Strip and the West Bank, and also

[5] A/56/1026-S/2002/932, annex II, resolution 14/221.

emphasizes in this regard the need for the implementation of the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing;

12. *Demands* that Israel, the occupying Power, comply strictly with its obligations under international law, including international humanitarian law, and that it cease all of its unlawful and unilateral actions in the Occupied Palestinian Territory, including East Jerusalem, that are aimed at altering the character and status of the Territory, including, inter alia, via the de facto annexation of land, and thus at prejudging the final outcome of peace negotiations;

13. *Demands accordingly* that Israel, the occupying Power, comply with its legal obligations under international law, as mentioned in the advisory opinion[2] and as demanded in resolutions ES-10/13 of 21 October 2003 and ES-10/15 of 20 July 2004 and, inter alia, that it immediately cease its construction of the wall in the Occupied Palestinian Territory, including East Jerusalem, and calls upon all States Members of the United Nations to comply with their legal obligations, as mentioned in the advisory opinion;

14. *Reiterates its demand* for the complete cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, and calls for the full implementation of the relevant Security Council resolutions;

15. *Reaffirms its commitment*, in accordance with international law, to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders;

16. *Stresses* the need for:

(a) The withdrawal of Israel from the Palestinian Territory occupied since 1967;

(b) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to their independent State;

17. *Also stresses* the need for resolving the problem of Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948;

18. *Urges* Member States to expedite the provision of economic, humanitarian and technical assistance to the Palestinian people and the Palestinian Authority during this critical period to help to alleviate the humanitarian crisis being faced by the Palestinian people, rehabilitate the Palestinian economy and infrastructure, and support the rebuilding, restructuring and reform of Palestinian institutions;

19. *Requests* the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its sixty-second session a report on these efforts and on developments on this matter.

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General Assembly

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22 November 2006

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Sixty-first session
Agenda item 13
The situation in the Middle East

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Jerusalem

The General Assembly,

Recalling its resolution 181 (II) of 29 November 1947, in particular its provisions regarding the City of Jerusalem,

Recalling also its resolution 36/120 E of 10 December 1981 and all subsequent resolutions, including resolution 56/31 of 3 December 2001, in which it, inter alia, determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith,

Recalling further the Security Council resolutions relevant to Jerusalem, including resolution 478 (1980) of 20 August 1980, in which the Council, inter alia, decided not to recognize the "Basic Law" on Jerusalem,

Recalling the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[1] and recalling resolution ES-10/15 of 20 July 2004,

Expressing its grave concern about any action taken by any body, governmental or non-governmental, in violation of the above-mentioned resolutions,

Expressing its grave concern in particular about the continuation by Israel, the occupying Power, of illegal settlement activities, including the so-called "E-1 plan", and its construction of the wall in and around East Jerusalem, and the further

[1] See A/ES-10/273 and Corr.1.

06-62805 (E) 241106

isolation of the city from the rest of the Occupied Palestinian Territory, which is having a detrimental effect on the lives of Palestinians and could prejudge a final status agreement on Jerusalem,

Reaffirming that the international community, through the United Nations, has a legitimate interest in the question of the City of Jerusalem and the protection of the unique spiritual, religious and cultural dimensions of the city, as foreseen in relevant United Nations resolutions on this matter,

Having considered the report of the Secretary-General,[2]

1. *Reiterates its determination* that any actions taken by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever, and calls upon Israel to cease all such illegal and unilateral measures;

2. *Welcomes* the decision of those States that had established diplomatic missions in Jerusalem to withdraw their missions from the city, in compliance with Security Council resolution 478 (1980);

3. *Stresses* that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities;

4. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

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[2] A/61/298.

United Nations A/61/L.35/Add.1

General Assembly

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1 December 2006

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Sixty-first session
Agenda item 13
The situation in the Middle East

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mali, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine: draft resolution

Jerusalem

Addendum

Add the following country to the list of sponsors of the draft resolution:

Venezuela (Bolivarian Republic of)

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Agenda item 13
The situation in the Middle East

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Cuba, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Namibia, Oman, Qatar, Saudi Arabia, Senegal, Somalia, South Africa, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine: draft resolution

The Syrian Golan

The General Assembly,

Having considered the item entitled "The situation in the Middle East",

Taking note of the report of the Secretary-General,[1]

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Reaffirming the fundamental principle of the inadmissibility of the acquisition of territory by force, in accordance with international law and the Charter of the United Nations,

Reaffirming once more the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[2] to the occupied Syrian Golan,

Deeply concerned that Israel has not withdrawn from the Syrian Golan, which has been under occupation since 1967, contrary to the relevant Security Council and General Assembly resolutions,

Stressing the illegality of the Israeli settlement construction and other activities in the occupied Syrian Golan since 1967,

Noting with satisfaction the convening in Madrid on 30 October 1991 of the Peace Conference on the Middle East, on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the formula of land for peace,

[1] A/61/298.
[2] United Nations, *Treaty Series*, vol. 75, No. 973.

06-62811 (E) 241106

Expressing grave concern over the halt in the peace process on the Syrian track, and expressing the hope that peace talks will soon resume from the point they had reached,

1. *Declares* that Israel has failed so far to comply with Security Council resolution 497 (1981);

2. *Also declares* that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and has no validity whatsoever, as confirmed by the Security Council in its resolution 497 (1981), and calls upon Israel to rescind it;

3. *Reaffirms its determination* that all relevant provisions of the Regulations annexed to the Hague Convention of 1907,[3] and the Geneva Convention relative to the Protection of Civilian Persons in Time of War,[2] continue to apply to the Syrian territory occupied by Israel since 1967, and calls upon the parties thereto to respect and ensure respect for their obligations under those instruments in all circumstances;

4. *Determines once more* that the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region;

5. *Calls upon* Israel to resume the talks on the Syrian and Lebanese tracks and to respect the commitments and undertakings reached during the previous talks;

6. *Demands once more* that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions;

7. *Calls upon* all the parties concerned, the co-sponsors of the peace process and the entire international community to exert all the necessary efforts to ensure the resumption of the peace process and its success by implementing Security Council resolutions 242 (1967) and 338 (1973);

8. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution.

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[3] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

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General Assembly

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28 November 2006

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Sixty-first session
Agenda item 108 (t)
Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Southern African Development Community

Angola, Belgium, Botswana, Cape Verde, Democratic Republic of the Congo, Japan, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Timor-Leste, Togo, United Republic of Tanzania, Zambia and Zimbabwe: draft resolution

Cooperation between the United Nations and the Southern African Development Community

The General Assembly,

Recalling its resolution 37/248 of 21 December 1982 and all other relevant General Assembly resolutions and decisions on the promotion of cooperation between the United Nations and the Southern African Development Community, including resolutions 57/44 of 21 November 2002 and 59/140 of 15 December 2004 and decision 56/443 of 21 December 2001,

Recalling also its resolution 59/49 of 2 December 2004, in which it decided to invite the Community to participate in its sessions and its work in the capacity of observer,

Recognizing that cooperation between the Community and the United Nations system has continued to deepen,

Commending States members of the Community for demonstrating continued commitment to deeper and more formal arrangements for cooperation among themselves towards regional integration,

Welcoming the continued commitment made by the States members of the Community to deepen democracy, human rights, good governance and sound economic management,

Expressing satisfaction over continued efforts to bring peace to the Democratic Republic of the Congo, launched by the Community in collaboration with the African Union, the United Nations and other entities, and recognizing that the recent elections undertaken in the Democratic Republic of Congo to end the current

06-63126 (E) 291106

transition period by the establishment of elected institutions at all levels is an essential element of the peace process,

Noting with concern that the HIV/AIDS pandemic has reached crisis proportions in the region, and that other communicable diseases, such as malaria and tuberculosis, are having far-reaching social and economic consequences,

Expressing concern over the persistent natural disasters in countries of the region,

Welcoming the efforts of the Community to make southern Africa a landmine-free zone,

Recognizing the important role that women play in the development of the region,

Recognizing also the important role of civil society and the private sector in the development of the region,

1. *Takes note* of the report of the Secretary-General on cooperation between the United Nations and regional and other organizations;[1]

2. *Expresses its appreciation* to the United Nations funds and programmes as well as the international community for the assistance given to the Southern African Development Community;

3. *Welcomes* the decision of the Heads of State and Government of the Southern African Development Community at the 2006 summit meeting held in Maseru on 17 and 18 August 2006, to convene a conference on poverty and development, to which the international community will be invited;

4. *Also welcomes* the progress made by the Community on gender and development towards achieving the target of 30 per cent of women representatives in decision-making, and its commitment to the new target of 50 per cent;

5. *Notes with satisfaction* the commitment of States members of the Community to scale up the implementation of regional economic integration through, inter alia, the launching of a free trade area by 2008 and the preparations for a custom union by 2010;

6. *Expresses its support* for the economic reforms being implemented by States members of the Community, in pursuance of their shared vision of creating a strengthened regional economic community through deeper economic integration;

7. *Calls upon* the international community to strengthen support for the measures taken by the Community in fighting HIV and AIDS, as well as other communicable diseases such as malaria and tuberculosis, including commitments on the follow-up to the outcome of the twenty-sixth special session of the General Assembly, and the implementation of the Declaration of Commitment on HIV/AIDS;[2]

8. *Recognizes* the vulnerability of the Community subregion to natural disasters, and in this regard calls upon the international community to provide the

[1] A/61/256 and Add.1.

[2] Resolution S-26/2, annex.

required assistance to strengthen the Community's disaster preparedness and early-warning capacity;

9. *Urges* the United Nations, its related bodies and the international community to continue to support the Community in building its capacity on negotiations on trade;

10. *Appeals* to the international community and to relevant organizations and bodies of the United Nations system to continue providing financial, technical and material assistance to the Community to support its efforts to fully implement the Regional Indicative Strategic Development Plan and the New Partnership for Africa's Development[3] as well as towards the achievement of other internationally agreed development goals, including the Millennium Development Goals;

11. *Appeals* to the United Nations, its related bodies and the international community to continue to assist and support the Community in its demining activities, and welcomes the progress made so far by its member States;

12. *Calls upon* the international community, in particular the United Nations system, to continue to contribute to the promotion of peace and stability in the Democratic Republic of the Congo and to assist in the rehabilitation and economic reconstruction of that country;

13. *Also calls upon* the international community to continue to assist the Democratic Republic of the Congo through the provision of the humanitarian, financial and material assistance to alleviate the suffering of the Congolese people, in particular the children, women and the elderly, and calls upon the Government of the Democratic Republic of the Congo to implement economic and social policies and programmes that will improve the lives of the people of the Democratic Republic of the Congo;

14. *Urges* the United Nations funds and programmes and the international community to continue to provide technical assistance to national vulnerability assessment committees that have been established in the States members of the Community;

15. *Calls upon* the international community to support the efforts of the Community in capacity-building and in addressing the new challenges, opportunities and consequences presented to the economies in the region arising from the process of globalization and liberalization;

16. *Requests* the Secretary-General, in consultation with the Executive Secretary of the Community, to enhance contacts aimed at promoting and harmonizing further cooperation between the United Nations and the Community;

17. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report on cooperation between the United Nations and the Southern African Development Community.

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[3] A/57/304, annex.

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Sixty-first session
Agenda item 108 (t)
Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Southern African Development Community

Angola, Belgium, Botswana, Cape Verde, Democratic Republic of the Congo, Japan, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Timor-Leste, Togo, United Republic of Tanzania, Zambia and Zimbabwe: draft resolution

Cooperation between the United Nations and the Southern African Development Community

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Comoros, Czech Republic, Honduras and Madagascar

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General Assembly

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27 November 2006

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Sixty-first session
Agenda item 71 (b)
Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Australia, Austria, Brazil, Canada, Finland, Iceland, Malta, Namibia, New Zealand, Norway, Tonga, Tunisia and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995 and 57/142 of 12 December 2002, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments, its resolutions 56/13 of 28 November 2001 and 57/143 of 12 December 2002 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[1] and its resolutions 58/14 of 24 November 2003, 59/25 of 17 November 2004 and 60/31 of 29 November 2005 on sustainable fisheries, including through the Agreement and related instruments,

[1] United Nations, *Treaty Series*, vol. 2167, No. 37924.

06-63042 (E) 301106

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[2] and bearing in mind the relationship between the Convention and the Agreement,

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on compliance and enforcement by the flag State and subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas, and specific provisions to address the requirements of developing States in relation to the conservation and management of straddling fish stocks and highly migratory fish stocks and the development of fisheries for such stocks,

Welcoming the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

Welcoming also the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries and the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations on 12 March 2005,[3] which calls for effective implementation of the various instruments already developed to ensure responsible fisheries, and recognizing that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[4] and its associated international plans of action set out principles and global standards of behaviour for responsible practices for conservation of fisheries resources and the management and development of fisheries,

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by unreported and misreported fish catch and fishing effort and the contribution this lack of data makes to continued overfishing in some areas, and therefore welcoming the adoption of the Strategy for Improving Information on Status and Trends of Capture Fisheries[5] and the development of the Fisheries Resources Monitoring System (FIRMS) initiative by the Food and Agriculture Organization of the United Nations to improve knowledge and understanding of fishery status and trends,

Recognizing the significant contribution of sustainable fisheries to food security, income and wealth for present and future generations,

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[2] Ibid., vol. 1833, No. 31363.

[3] Food and Agriculture Organization of the United Nations, *Outcome of the Ministerial Meeting on Fisheries, Rome, 12 March 2005* (CL128/INF/11), appendix B.

[4] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[5] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24-28 February 2003*, FAO Fisheries Report No. 702 (FIPL/R702(En)), appendix H.

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of the precautionary approach,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, illegal, unreported and unregulated fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity,

Particularly concerned that illegal, unreported and unregulated fishing constitutes a serious threat to fish stocks and marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Recognizing the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[6] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag, and vessels flying their flag that provide support to fishing vessels, to ensure that the activities of such fishing and support vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Noting the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of living marine resources, and recognizing the importance of coordination and cooperation at the global, regional and subregional as well as national levels in the areas, inter alia, of data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Noting with appreciation the report of the Review Conference on the Agreement ("the Review Conference"), held in New York from 22 to 26 May 2006,[7] and welcoming the adoption of the recommendations therein, which assessed the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and proposed means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of those stocks, and noting that the Conference agreed that there is a compelling need for all States and subregional and regional fisheries management organizations and arrangements to ensure the conservation and sustainable use of straddling and highly migratory fish stocks,

Noting with satisfaction that the Review Conference agreed to continue the informal consultations of States parties to the Agreement and to keep the Agreement under review through the resumption of the Conference at a date not later than 2011, to be agreed at a future informal consultation of States parties to the Agreement,

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[6] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. II.

[7] A/CONF.210/2006/15.

Calling attention to the need for more work on developing port State measures and schemes, and the critical need for cooperation with developing States to build their capacity in this regard,

Concerned that marine pollution from all sources, including vessels and, in particular, land-based sources, constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine habitats and has significant costs to local and national economies,

Recognizing that marine debris is a global transboundary pollution problem and that, owing to the many different types and sources of marine debris, different approaches to its prevention and removal are necessary,

Noting that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food security and poverty alleviation and, together with efforts of other aquaculture producing countries, will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including transfer of marine technology and in particular fisheries-related technology, to enhance the ability of such States in meeting to meet their obligations and exercise their rights under international instruments, in order to realize the benefits from fisheries resources,

Recognizing the need for appropriate measures to minimize waste, discards, loss of fishing gear and other factors that adversely affect fish stocks,

Recognizing also the importance of applying ecosystem approaches to oceans management and the need to integrate such approaches into fisheries conservation and management; and, in this regard, welcoming the report on the work of the seventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea,[8] held in New York from 12 to 16 June 2006,

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem, the vulnerability of certain shark species to overexploitation, some of which are threatened with extinction, and the need for measures to promote the long-term sustainability of shark populations and fisheries, and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of the United Nations in 1999, in providing development guidance of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant regional and subregional fisheries management organizations and arrangements on the conservation and management of sharks, while noting with concern that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks,

Taking note with appreciation of the report of the Secretary-General on the impacts of fishing on vulnerable marine ecosystems: actions taken by States and

[8] See A/61/156.

regional fisheries management organizations and arrangements to give effect to paragraphs 66 to 69 of General Assembly resolution 59/25 on sustainable fisheries, regarding the impacts of fishing on vulnerable marine ecosystems,[9] in particular its useful role in gathering and disseminating information on this issue,

Expressing concern that the practice of large-scale pelagic drift-net fishing remains a threat to marine living resources, although the incidence of this practice has continued to be low in most regions of the world's oceans and seas,

Emphasizing that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift nets that contravene the resolution,

Expressing concern over reports of continued losses of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality in fishing operations, particularly longline fishing, and other activities, while recognizing considerable efforts to reduce by-catch in longline fishing by States and through various regional fisheries management organizations and arrangements,

I
Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[2] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[1]

2. *Encourages* States to give due priority to the implementation of the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[10] in relation to achieving sustainable fisheries;

3. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas;

4. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

5. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply widely, in accordance with international law and the Code,[4] the precautionary approach and an ecosystem approach to the conservation, management and exploitation of fish stocks, including straddling fish

[9] A/61/154.

[10] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

stocks, highly migratory fish stocks and discrete high seas stocks, and calls upon States parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

6. *Encourages* States to increase their reliance on scientific advice in developing, adopting and implementing conservation and management measures, and to increase their efforts to promote science for conservation and management measures that apply, in accordance with international law, the precautionary approach and an ecosystem approach to fisheries management, enhancing understanding of ecosystem approaches, in order to ensure the long-term conservation and sustainable use of marine living resources, and, in this regard, encourages the implementation of the international Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[5] as a framework for the improvement and understanding of fishery status and trends;

7. *Also encourages* States to apply the precautionary approach and an ecosystem approach in adopting and implementing conservation and management measures addressing, inter alia, by-catch, pollution, overfishing and protecting habitats of specific concern, taking into account existing guidelines developed by the Food and Agriculture Organization of the United Nations;

8. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations required catch and effort data, and fishery-related information, in a complete, accurate and timely way, including for straddling fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards; and where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and when such obligations are not met, require the member concerned to rectify the problem, including through the preparation of plans of action with timelines;

9. *Invites* States and regional fisheries management organizations and arrangements to cooperate with the Food and Agriculture Organization of the United Nations in the implementation and further development of the Fisheries Resources Monitoring System (FIRMS) initiative;

10. *Urges* States, including those working through subregional or regional fisheries management organizations and arrangements, to implement fully the International Plan of Action for the Conservation and Management of Sharks, notably through the collection of scientific data regarding shark catches and the adoption of conservation and management measures, particularly where shark catches from directed and non-directed fisheries have a significant impact on vulnerable or threatened shark stocks, in order to ensure the conservation and management of sharks and their long-term sustainable use, including by banning directed shark fisheries conducted solely for the purpose of harvesting shark fins and by taking measures to ensure that other fisheries minimize waste and discards from shark catches, and to encourage the full use of dead sharks;

11. *Urges* States to eliminate barriers to trade in fish and fisheries products that are not consistent with their obligations under the World Trade Organization

agreements, taking into account the importance of the trade in fish and fisheries products, particularly for developing countries;

12. *Urges* States and relevant international and national organizations to provide for participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

II

Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

1. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

2. *Calls upon* States parties to the Agreement to harmonize, as a matter of priority, their national legislation with the provisions of the Agreement, and to ensure that the provisions of the Agreement are effectively implemented into regional fisheries management organizations and arrangements of which they are a member;

3. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

4. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by regional and subregional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

5. *Urges* States parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant regional or subregional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same region or subregion of the form of identification issued by those States parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

6. *Also urges* States parties to the Agreement, in accordance with article 21, paragraph 4, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

7. *Calls upon* States individually and, as appropriate, through regional and subregional fisheries management organizations and arrangements with competence over discrete high seas fish stocks, to adopt the necessary measures to ensure the long-term conservation, management and sustainable use of such stocks in accordance with the Convention and consistent with the general principles set forth in the Agreement;

8. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fishery resources;

9. *Invites* States to assist developing States in enhancing their participation in regional fisheries management organizations or arrangements, including through facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1 (b) of the Agreement, taking into account the need to ensure that such access benefits the developing States concerned and their nationals;

10. *Notes with satisfaction* that the Assistance Fund under Part VII of the Agreement has begun to operate and consider applications for assistance by developing States parties to the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions and non-governmental organizations as well as natural and juridical persons to make voluntary financial contributions to the Fund;

11. *Requests* that the Food and Agriculture Organization of the United Nations and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat further publicize the availability of assistance through the Part VII Fund, and solicit views from developing States parties to the Agreement regarding the application and award procedures of the Part VII Fund, and consider changes where necessary to improve the process;

12. *Encourages* States, individually and, as appropriate, through regional and subregional fisheries management organizations and arrangements, to implement the recommendations of the Review Conference;

13. *Recalls* paragraph 6 of resolution 56/13, and requests the Secretary-General to convene in 2007, in accordance with past practice, a sixth round of informal consultations of States parties to the Agreement, for the purposes and objectives of considering the national, regional, subregional and global implementation of the Agreement, as well as considering initial preparatory steps for the resumption of the Review Conference convened by the Secretary-General pursuant to article 36 of the Agreement, and making any appropriate recommendation to the General Assembly;

14. *Requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, not party to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant intergovernmental bodies and relevant non-governmental

organizations, in accordance with past practice, to attend the sixth round of informal consultations of States parties to the Agreement as observers;

15. *Requests* the Food and Agriculture Organization of the United Nations to initiate arrangements with States for the collection and dissemination of data on fishing in the high seas by vessels flying their flag at the subregional and regional levels where none exist;

16. *Also requests* the Food and Agriculture Organization of the United Nations to revise its global fisheries statistics database to provide information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch is taken;

III
Related fisheries instruments

1. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[6] and urges continued efforts in this regard;

2. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

3. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code[4] within their areas of competence;

4. *Urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

IV
Illegal, unreported and unregulated fishing

1. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;

2. *Urges* States to exercise effective control over their nationals, including beneficial owners, and vessels flying their flag in order to prevent and deter them from engaging in or supporting illegal, unreported and unregulated fishing activities, and to facilitate mutual assistance to ensure that such actions can be investigated and proper sanctions imposed;

3. *Also urges* States to take effective measures, at the national, regional and global levels, to deter the activities, including illegal, unreported and unregulated fishing, of any vessel that undermines conservation and management measures that

have been adopted by regional and subregional fisheries management organizations and arrangements in accordance with international law;

4. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

5. *Affirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the subregional and regional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities, including, inter alia, the development and implementation of vessel monitoring systems and the listing of vessels in order to prevent illegal, unreported and unregulated fishing activities and, where appropriate and consistent with international law, trade monitoring schemes, including to collect global catch data, through subregional and regional fisheries management organizations and arrangements;

6. *Calls upon* States to take all measures consistent with international law necessary to prevent, deter and eliminate illegal, unreported and unregulated fishing activities, such as developing measures consistent with national law to prohibit vessels flying their flag from supporting vessels engaging in illegal, unreported and unregulated fishing activities, including those listed by regional fisheries management organizations or arrangements;

7. *Also calls upon* States to take all necessary measures consistent with international law, without prejudice to reasons of force majeure or distress, including the prohibition of vessels from accessing their ports followed by a report to the flag State concerned, when there is clear evidence that they are or have been engaged in or support or have supported illegal, unreported and unregulated fishing, or when they refuse to give information either on the origin of the catch or on the authorization under which the catch has been made;

8. *Urges* further international action to eliminate illegal, unreported and unregulated fishing by vessels flying "flags of convenience" as well as to require that a "genuine link" be established between States and fishing vessels flying their flags, and calls upon States to implement the Rome Declaration on Illegal, Unreported and Unregulated Fishing,[3] adopted by the Ministerial Meeting on Fisheries of the Food and Agriculture Organization of the United Nations on 12 March 2005, as a matter of priority;

9. *Urges* States individually and collectively through regional fisheries management organizations and arrangements to cooperate to clarify the role of the genuine link in relation to the duty of flag States to exercise effective control over fishing vessels flying their flag and to develop appropriate processes to assess performance of States with respect to implementing the obligations regarding fishing vessels flying their flag set out in relevant international instruments;

10. *Recognizes* the need for enhanced port State controls to combat illegal, unreported and unregulated fishing, and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management organizations and arrangements, with respect to adopting all necessary port measures, consistent with international law, taking into account article 23 of the Agreement, particularly those identified in the Model Scheme on Port State Measures to Combat Illegal, Unreported, and Unregulated Fishing, adopted by the Food and Agriculture Organization of the United Nations in 2005, and to promote the development and application of minimum standards at the regional level;

11. *Encourages* States to initiate, as soon as possible, a process within the Food and Agriculture Organization of the United Nations to develop, as appropriate, a legally binding instrument on minimum standards for port State measures, building on the Model Scheme on Port State Measures to Combat Illegal, Unreported, and Unregulated Fishing and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;

12. *Also encourages* States, with respect to vessels flying their flag, and port States, to make every effort to share data on landings and catch quotas, and in this regard encourages regional fisheries management organizations or arrangements to consider developing open databases containing such data for the purpose of enhancing the effectiveness of fisheries management;

13. *Calls upon* States to take all necessary measures to ensure that vessels flying their flag do not engage in trans-shipments of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing;

14. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called for in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;

V
Monitoring, control and surveillance and compliance and enforcement

1. *Calls upon* States in accordance with international law to strengthen implementation of, or where they do not exist, adopt comprehensive monitoring, control and surveillance measures and compliance and enforcement schemes individually and within those regional fisheries management organizations or arrangements in which they participate in order to provide an appropriate framework for promoting compliance with agreed conservation and management measures, and urges enhanced coordination among all relevant States and regional fisheries management organizations and arrangements in these efforts;

2. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

3. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems, and in particular to require that vessel monitoring systems be carried by all vessels fishing on the high seas as soon as practicable, and in the case of large-scale fishing vessels no later than December 2008, and share information on fisheries enforcement matters;

4. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to verify compliance with conservation and management measures and identify products from illegal, unreported and unregulated catches, and encourages improved coordination among all parties and regional fisheries management organizations and arrangements in sharing and using this information, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

5. *Requests* States and relevant international bodies to develop, in accordance with international law, more effective measures to trace fish and fishery products to enable importing States to identify fish or fishery products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, taking into account the special requirements of developing States and the forms of cooperation with developing States as set out in article 25 of the Agreement, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fishery products caught in a manner that is in conformity with such international measures;

6. *Encourages* States to establish and undertake cooperative surveillance and enforcement activities in accordance with international law to strengthen and enhance efforts to ensure compliance with conservation and management measures, and prevent and deter illegal, unreported and unregulated fishing;

7. *Urges* States individually and through regional fisheries management organizations or arrangements to develop and adopt effective measures to regulate trans-shipment, in particular at-sea trans-shipment, in order to, inter alia, monitor compliance, collect and verify fisheries data, and prevent and suppress illegal, unregulated and unreported fishing activities in accordance with international law; and, in parallel, encourage and support the Food and Agriculture Organization of the United Nations in studying the current practices of trans-shipment as it relates to fishing operations for straddling fish stocks and highly migratory fish stocks and produce a set of guidelines for this purpose;

8. *Encourages* States to join and actively participate in the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-related Activities and to consider supporting, when appropriate, transformation of the Network in accordance with international law into an international unit with dedicated resources to further assist Monitoring, Control and Surveillance Network members, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

9. *Notes with satisfaction* the completion of the First Global Fisheries Enforcement Training Conference, held in Kuala Lumpur from 18 to 22 July 2005 and hosted by the Government of Malaysia in cooperation with the Monitoring, Control and Surveillance Network and the FishCode Programme of the Food and Agriculture Organization of the United Nations, and encourages widespread participation in the upcoming Second Global Fisheries Enforcement Training Conference, to be held in Trondheim, Norway, in August 2008 and sponsored by the Norwegian Directorate of Fisheries in conjunction with the Monitoring, Control and Surveillance Network;

10. *Encourages* States to cooperate in the development of a comprehensive global record within the Food and Agriculture Organization of the United Nations of fishing vessels, including refrigerated transport vessels and supply vessels, that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with national law, as called for in the Ministerial Declaration on Illegal, Unreported and Unregulated Fishing;

VI
Fishing overcapacity

1. *Calls upon* States to commit to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks, including, inter alia, those areas where fish stocks are over-exploited or in a depleted condition, while recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code of Conduct, and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity;

2. *Urges* States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to fishing overcapacity, while completing the efforts undertaken at the World Trade Organization in accordance with the Doha Declaration to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector, including small-scale and artisanal fisheries and aquaculture, to developing countries;

VII
Large-scale pelagic drift-net fishing

Reaffirms the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to enforce fully the measures recommended in those resolutions;

VIII
Fisheries by-catch and discards

1. *Urges* States, regional and subregional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish;

2. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in regional and subregional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

3. *Requests* States and regional fisheries management organizations and arrangements to urgently implement, as appropriate, the measures recommended in the Guidelines to Reduce Sea Turtle Mortality in Fishing Operations[11] and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries in order to prevent the decline of sea turtles and seabird populations by reducing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and promotion and strengthening of data-collection programmes to obtain standardized information to develop reliable estimates of the by-catch of these species;

IX
Subregional and regional cooperation

1. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention and the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

2. *Urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures

[11] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on Sea Turtles Conservation and Fisheries, Bangkok, Thailand, 29 November-2 December 2004*, FAO Fisheries Report No. 765 (FIRM/R765CEN), appendix E.

established by such an organization or arrangement, or to otherwise ensure that no vessel flying their flag be authorized to access the fisheries resources to which regional fisheries management organizations and arrangements or conservation and management measures established by such organizations or arrangements apply;

3. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention and the Agreement;

4. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stock, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

5. *Welcomes* the adoption of conservation measures by the South-East Atlantic Fisheries Organization at its third annual meeting held in Windhoek on 4 October 2006, including an interim prohibition of fishing activities in ten marine areas with prominent seamounts, and urges all signatory States and other States whose vessels fish within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean for fishery resources covered by that Convention to become parties as a matter of priority and, in the interim, ensure that vessels flying their flags fully comply with the measures adopted;

6. *Also welcomes* the adoption of the South Indian Ocean Fisheries Agreement in Rome on 7 July 2006, encourages signatory States and States having a real interest to become parties to that Agreement, and urges those States to agree on and implement interim measures to ensure the conservation and management of the fisheries resources and their marine ecosystems and habitats in the area to which that Agreement applies until such time as that Agreement enters into force;

7. *Further welcomes* the initiation and progress of negotiations to establish regional and subregional fisheries management organizations or arrangements in several fisheries, in particular in the South Pacific and North-west Pacific, encourages States having a real interest to participate in such negotiations, urges participants to expedite those negotiations and to apply provisions of the United Nations Convention on the Law of the Sea and the Agreement to their work, and also urges participants to agree on and implement interim conservation and management measures until such time as those regional and subregional fisheries management organizations or arrangements are established;

8. *Urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, in accordance with international law, to strengthen and modernize their mandates, and the measures adopted by such organizations or arrangements, to implement modern approaches to fisheries management as reflected in the Agreement and other relevant international instruments, relying on the best scientific information available and application of the precautionary approach, and incorporating an ecosystem approach to fisheries management and biodiversity considerations, where these aspects are lacking, so as

to ensure that they effectively contribute to long-term conservation and management and sustainable use of marine living resources;

9. *Urges* States to strengthen and enhance cooperation among existing and developing regional fisheries management organizations and arrangements in which they participate, including increased communication and further coordination of measures and, in this regard, encourages wide participation in the joint tuna regional fisheries management organization and arrangement meeting that will be hosted by the Government of Japan in 2007, and encourages members of other existing regional fisheries management organizations or arrangements and participants in establishing new regional fisheries management organizations or arrangements to hold similar consultations;

10. *Urges* regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights, including through, inter alia, the development of transparent criteria for allocating fishing opportunities that reflect, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery, and strengthen integration, coordination and cooperation with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

11. *Urges* States, through their participation in regional fisheries management organizations and arrangements, to undertake, on an urgent basis, performance reviews of those regional fisheries management organizations and arrangements, initiated either by the organization or arrangement itself or with external partners, including in cooperation with the Food and Agriculture Organization of the United Nations, using transparent criteria based on the provisions of the Agreement and other relevant instruments, including the best practices of regional fisheries management organizations or arrangements; and strongly recommends that such performance reviews include some element of independent evaluation and that the results be made publicly available, noting that the North East Atlantic Fisheries Commission has completed a performance review;

12. *Also urges* States to cooperate to develop best practice guidelines for regional fisheries management organizations and arrangements and to apply, to the extent possible, those guidelines to organizations and arrangements in which they participate;

13. *Encourages* the development of regional guidelines for States to use in establishing sanctions for non-compliance by vessels flying their flag and by their nationals, to be applied in accordance with national law, that are adequate in severity for effectively securing compliance, deterring further violations and depriving offenders of the benefits deriving from their illegal activities, as well as in evaluating their systems of sanctions to ensure that they are effective in securing compliance and deterring violations;

X

Responsible fisheries in the marine ecosystem

1. *Encourages* States to apply by 2010 the ecosystem approach, notes the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem[12] and decision VII/11[13] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity,[14] notes the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management, and also notes the importance to this approach of relevant provisions of the Agreement and the Code;

2. *Also encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

3. *Further encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

4. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies of the United Nations, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects;

5. *Calls upon* States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with the precautionary approach and ecosystem approaches, to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, recognizing the immense importance and value of deep sea ecosystems and the biodiversity they contain;

6. *Reaffirms* the importance it attaches to paragraphs 66 to 69 of resolution 59/25 concerning the impacts of fishing on vulnerable marine ecosystems;

7. *Welcomes* the important progress made by States and regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries in giving effect to paragraphs 66 to 69 of its resolution 59/25 so as to address the impacts of fishing on vulnerable marine ecosystems, including through initiating negotiations to establish new regional fisheries management organizations or arrangements, but on the basis of the review called for in paragraph 71 of that resolution, recognizes that additional actions are urgently needed;

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[12] E/CN.17/2002/PC.2/3, annex.

[13] See UNEP/CBD/COP/7/21, annex.

[14] United Nations, *Treaty Series*, vol. 1760, No. 30619.

8. *Calls upon* regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to adopt and implement, in accordance with the precautionary approach, ecosystem approaches and international law, for their respective regulatory areas as a matter of priority but not later than 31 December 2008, measures:

(a) To assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure, if it is assessed that these activities would have significant adverse impacts, that they are either managed so as to prevent such impacts or authorized not to proceed;

(b) To identify vulnerable marine ecosystems and determine whether bottom fishing activities would cause significant adverse impacts to such ecosystems and the long-term sustainability of deep sea fish stocks, inter alia, by improving scientific research and data collection and sharing, and through new and exploratory fisheries;

(c) In respect of areas where vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, are known to occur or are likely to occur based on the best available scientific information, to close such areas to bottom fishing and ensure that such activities do not proceed unless conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems;

(d) To require members of the regional fisheries management organizations or arrangements to require vessels flying their flag to cease bottom fishing activities in areas where, in the course of fishing operations, vulnerable marine ecosystems are encountered, and to report the encounter so that appropriate measures can be adopted in respect of the relevant site;

9. *Also calls upon* regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to make the measures adopted pursuant to paragraph 8 of the present section publicly available;

10. *Calls upon* those States participating in negotiations to establish a regional fisheries management organization or arrangement competent to regulate bottom fisheries to expedite such negotiations and, by no later than 31 December 2007, to adopt and implement interim measures consistent with paragraph 8 of the present section and make these measures publicly available;

11. *Calls upon* flag States to either adopt and implement measures in accordance with paragraph 83 above, mutatis mutandis, or cease to authorize fishing vessels flying their flag to conduct bottom fisheries in areas beyond national jurisdiction where there is no regional fisheries management organization or arrangement with the competence to regulate such fisheries or interim measures in accordance with paragraph 10 of the present section, until measures are taken in accordance with paragraph 8 or 10 of the present section;

12. *Calls upon* States to make publicly available through the Food and Agriculture Organization of the United Nations a list of those vessels flying their flag authorized to conduct bottom fisheries in areas beyond national jurisdiction, and the measures they have adopted pursuant to paragraph 11 of the present section;

13. *Emphasizes* the critical role played by the Food and Agriculture Organization of the United Nations in providing expert technical advice, in assisting with international fisheries policy development and management standards, and in collection and dissemination of information on fisheries-related issues, including the protection of vulnerable marine ecosystems from the impacts of fishing;

14. *Commends* the Food and Agriculture Organization of the United Nations for its work on the management of deep sea fisheries in the high seas, including the expert consultation held from 21 to 23 November 2006 in Bangkok, and further invites the Food and Agriculture Organization of the United Nations to establish at its next Committee on Fisheries meeting a time frame of relevant work with respect to the management of the deep sea fisheries in the high seas, including enhancing data collection and dissemination, promoting information exchange and increased knowledge on deep sea fishing activities, for example, through convening a meeting of States engaged in such fisheries, developing standards and criteria for use by States and regional fisheries management organizations or arrangements in identifying vulnerable marine ecosystems and the impacts of fishing on such ecosystems, and establishing standards for the management of deep sea fisheries, for example, through the development of an international plan of action;

15. *Invites* the Food and Agriculture Organization of the United Nations to consider creating a global database of information on vulnerable marine ecosystems in areas beyond national jurisdiction to assist States in assessing any impacts of bottom fisheries on vulnerable marine ecosystems and invites States and regional fisheries management organizations or arrangements to submit information to any such database on all vulnerable marine ecosystems identified in accordance with paragraph 8 of the present section;

16. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to include in his report concerning fisheries to the General Assembly at its sixty-fourth session a section on the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 8 to 15 of the present section, and decides to conduct a further review of such actions at that session in 2009, with a view to elaborating further recommendations, where necessary;

17. *Encourages* accelerated progress on establishing criteria on the objectives and management of marine protected areas for fisheries purposes, and in this regard welcomes the proposed work of the Food and Agriculture Organization of the United Nations on developing technical guidelines in accordance with the Convention on the design, implementation and testing of marine protected areas for such purposes, and urges coordination and cooperation among all relevant international organizations and bodies;

18. *Notes* that the Second Intergovernmental Review Meeting of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,[15] was held from 16 to 20 October 2006 in Beijing, and urges all States to implement the Global Programme of Action and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

[15] A/51/116, annex II.

19. *Reaffirms* the importance it attaches to paragraphs 77 to 81 of its resolution 60/31 concerning the issue of lost, abandoned, or discarded fishing gear and related marine debris and the adverse impacts such debris and derelict fishing gear have on, inter alia, fish stocks, habitats and other marine species, and urges accelerated progress by States and regional fisheries management organizations and arrangements in implementing those paragraphs of the resolution;

20. *Encourages* the Committee on Fisheries of the Food and Agriculture Organization of the United Nations to consider the issue of derelict fishing gear and related marine debris at its next meeting in 2007, and in particular the implementation of relevant provisions of the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations;

XI
Capacity-building

1. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant regional and subregional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the International Plan of Action for the Conservation and Management of Sharks, the International Plan of Action for the Management of Fishing Capacity, the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries, and the Guidelines to Reduce Sea Turtle Mortality in Fishing Operations of the Food and Agriculture Organization of the United Nations, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

2. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including the development of a code of conduct and guidelines for enhancing the contribution of small-scale fisheries to poverty alleviation and food security that include adequate provisions with regard to financial measures and capacity-building, including transfer of technology, and encourages studies for creating possible alternative livelihoods for coastal communities;

3. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability;

4. *Encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under

their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law, in particular the Convention and the Agreement;

5. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, including by giving greater attention to fish processing, including fish processing facilities, within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources, and also including by, inter alia, the transfer of technology and assistance for monitoring, control and surveillance and compliance and enforcement within areas under the national jurisdiction of the developing coastal State providing fisheries access, taking into account the forms of cooperation set out in article 25 of the Agreement;

6. *Encourages* States individually and through regional fisheries management organizations and arrangements to provide greater assistance and to promote coherence in such assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including in designing and strengthening their domestic regulatory fisheries policies and those of regional fisheries management organizations or arrangements in their regions, and the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FishCode programme of the Food and Agriculture Organization of the United Nations, the World Bank's global programme on fisheries and the Global Environment Facility;

7. *Calls upon* States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratification of or accession to the Agreement by seeking to address, inter alia, the issue of lack of capacity and resources that might stand in the way of developing States' becoming parties;

XII
Cooperation within the United Nations system

1. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and compliance capabilities for regional fisheries management organizations and their member States;

2. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

3. *Invites* the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, the Food and Agriculture Organization of

the United Nations and other relevant bodies of the United Nations system to consult and cooperate in the preparation of questionnaires designed to collect information on sustainable fisheries, in order to avoid duplication;

XIII
Sixty-second session of the General Assembly

1. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

2. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-second session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, and regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

3. *Decides* to include in the provisional agenda of its sixty-second session, under the item entitled "Oceans and the law of the sea", the sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

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Australia, Austria, Brazil, Canada, Finland, Iceland, Malta, Namibia, New Zealand, Norway, Tonga, Tunisia and United States of America: draft resolution

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Addendum

Add the following countries to the list of sponsors of the draft resolution:

Belgium, Belize, Cape Verde, Cyprus, France, Germany, Greece, Luxembourg, Madagascar, Monaco, Netherlands, Portugal, Saint Lucia, Sierra Leone, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago and Vanuatu

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